

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY AUCIELLO, #291220,

Petitioner,

v.

CASE NO. 08-12443
HONORABLE ANNA DIGGS TAYLOR

THOMAS K. BELL,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RELEASE FROM CUSTODY

Petitioner Jerry Auciello has filed a *pro se* complaint for the writ of habeas corpus. He alleges that he received a high score on the Michigan parole guidelines and that the Michigan Parole Board did not provide substantial and compelling reasons for returning him to prison. Petitioner claims that the alleged violation of the conditions of parole was really a conflict between him and his parole agent about time and his tether device.

Currently pending before the Court is Petitioner's motion for release from custody pending a decision on his habeas petition. Habeas petitioners may be released on bond if their petitions present "substantial questions" and there is some circumstance, which makes the application for release "exceptional and deserving of special treatment in the interests of justice." *Aronson v. May*, 85 S. Ct. 3, 5 (1964). "[A]s a practical matter, . . . motions for bail will be denied in most of the habeas proceedings," as there will be few occasions when a petitioner will meet the Aronson standard. *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990).

Petitioner has not presented a substantial question, nor an exceptional circumstance that requires special treatment in the interests of justice. Therefore, his motion for release from

custody [Doc. #2, June 9, 2008] is **DENIED**.

DATED: July 18, 2008

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Order was served upon Petitioner by First Class U.S. mail on July 18, 2008.

Jerry Auciello, #291220
Parr Highway Correctional Facility
2727 East Beecher St.
Adrian, MI 49221

s/Johnetta M. Curry-Williams
Case Manager